

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIAM C. DOUGHERTY and)	
ANARGYROS KEREAKES, individually)	
and on behalf of other similarly situated)	
members of the Chicago Police Department,)	
)	
Plaintiffs,)	No. 15 CV 10975
)	
vs.)	Judge Charles P. Kocoras
)	
CITY OF CHICAGO, an Illinois Municipal)	Magistrate Judge Beth W. Jantz
Corporation,)	
)	
Defendant.)	Jury Demanded

PLAINTIFFS' ANSWERS TO THIRD SET OF INTERROGATORIES

OBJECTION: Plaintiffs object to interrogatories 3, 4, 5 and 6 and the use of the words “Special Employment Voluntary Overtime Programs.” Per documents produced in this case, the City of Chicago and its Department of Police do not use this nomenclature. On the contrary, CPD used “Voluntary Special Work Opportunity” (VSWO) for some of the programs. When plaintiffs used this designation years ago in this case before Judge Rowland, the City objected even though it was an official CPD designation. The matter was resolved by Judge Rowland that the parties would refer to these programs as “case-related programs.” Years later, defense counsel has decided to create a formal name that does not otherwise exist in CPD directives or directives. Plaintiffs pose their objection not to be difficult, but to maintain consistency and ensure that the court is not confused or misled.

1. Identify each and every person, other than counsel of record, who assisted in any capacity in providing information and/or preparing responses to these Interrogatories and specify the nature and extent of each person’s participation or assistance and for which interrogatory(ies) each person had input.

ANSWER: Plaintiff’s expert, Dr. Murray Simpson, assisted in answering interrogatory no. 7 by providing the documents that are attached hereto.

2. If Plaintiffs deny any of the requests in Defendant City of Chicago’s First Requests For Admissions, which were served on October 24, 2022, or any portion of any such Requests For Admissions, state with specificity the basis for such denials and produce all documents supporting such denials.

ANSWER: Requests #1 – 3 were denied based in part upon the City’s regular rate agreements with the respective police unions. The documents that support the denials include the CBAs for police officers, sergeants, and lieutenants that the City is party to and already possesses. Additionally, the City does not, and never has, taken a setoff against its FLSA overtime liability for any of the compensation types listed. Request #8 was denied and the basis for the denial already provided in the response. Request #12 was denied and the basis for the denial already provided in the response. Request #15 was denied and the basis for the denial already provided in the response to request #12. Request #17 was denied and the basis for the denial already provided in the response. Request #20 was denied and the basis for the denial provided in an email with supporting documents attached sent to defendant’s counsel on October 29, 2022. Request #21 was denied because during nearly seven years of litigation, the City has provided zero evidence, and plaintiffs have not otherwise encountered, any program hours recorded on the Time and Attendance Cards prior to February 2016.

3. State all facts supporting Plaintiffs’ allegations that Defendant City of Chicago’s actions constituted willful conduct pursuant to 29 U.S.C. § 255(a), and specifically detail such facts relating to the following claims and identify any and all documents to support those facts:

- a. the City not aggregating all actual hours worked for purposes of determining the number of FLSA overtime hours worked in a police cycle, specifically relating to work performed in the Special Employment Voluntary Overtime Programs, until the changes in 2016 were implemented to record time worked for a particular Special Employment Voluntary Overtime Program on the Time and Attendance Cards;
- b. The City’s application of 29 U.S.C. §§ 207(e) to the overtime premium compensation paid to officers who worked in the Special Employment Voluntary Overtime Programs when calculating the FLSA overtime rate for hours worked over 171 hours in a police cycle; and
- c. The City’s application of the FLSA exemption under 29 U.S.C. § 207(p) to the Chicago Parks Overtime Program hours.

ANSWER: Regarding subsection (a), the CPD communication from Frank Wilson on February 8, 2010, states that timekeepers will no longer track program hours for payment. This action prevented program hours being aggregated with other work hours. Additionally, on January 26, 2016, CITY 0026 indicates that officers would be required to complete an overtime report for VRI. With respect to the subjects of good faith and willfulness, the parties have yet to receive discovery and conduct depositions on those issues. The City objected to Plaintiffs doing discovery on those issues in the liability phase of the case, including instructing witnesses not to answer deposition questions. As such, Plaintiffs will supplement their responses as documents are received produced during discovery. Finally, subparagraphs (b) and (c) do not set forth plaintiffs’ claims as stated in the opening paragraph of the interrogatory; the interrogatory is unduly vague.

4. State all facts supporting Plaintiffs' allegations that the City's actions did (or do) not constitute acting in good faith pursuant to 29 U.S.C. § 259 and/or § 260, and specifically detail such facts relating to the following claims and identify any and all documents to support those facts:

- a. the City not aggregating all actual hours worked for purposes of determining the number of FLSA overtime hours worked in a police cycle, specifically relating to work performed in the Special Employment Voluntary Overtime Programs, until the changes in 2016 were implemented to record time worked for a particular Special Employment Voluntary Overtime Program on the Time and Attendance Cards;
- b. The City's application of 29 U.S.C. §§ 207(e) to the overtime premium compensation paid to officers who worked in the Special Employment Voluntary Overtime Programs when calculating the FLSA overtime rate for hours worked over 171 hours in a police cycle; and
- c. The City's application of the FLSA exemption under 29 U.S.C. § 207(p) to the Chicago Parks Overtime Program hours.

ANSWER: Regarding subsection (a), the CPD communication from Frank Wilson on February 8, 2010, states that timekeepers will no longer track program hours for payment. This action prevented program hours being aggregated with other work hours. Additionally, on January 26, 2016, CITY 0026 indicates that officers would be required to complete an overtime report for VRI. With respect to the subjects of good faith and willfulness, the parties have yet to receive discovery and conduct depositions on those issues. The City objected to Plaintiffs doing discovery on those issues in the liability phase of the case, including instructing witnesses not to answer deposition questions. As such, Plaintiffs will supplement their responses as documents are received produced during discovery. Finally, subparagraphs (b) and (c) do not set forth plaintiffs' claims as stated in the opening paragraph of the interrogatory; the interrogatory is unduly vague.

5. For each and every police cycle during the applicable statute of limitations period in which Police Officer Chad Larys worked over 171 hours and participated in a Special Employment Voluntary Overtime Program, identify the exact amount of damages claimed for each applicable police cycle, and show in detail how that number was derived from the hours worked and compensation paid for each such cycle.

ANSWER: Plaintiffs have not yet calculated individual damages for Officer Larys. When individual damages are calculated for Officer Larys, they will be tendered to the City of Chicago.

6. For each and every police cycle during the applicable statute of limitations period in which Sergeant John Gartner worked over 171 hours and participated in a Special Employment Voluntary Overtime Program, identify the exact amount of damages claimed for each applicable police cycle, and show in detail how that number was derived from the hours worked and compensation paid for each such cycle. Additionally, for the applicable statute of limitations period, include Plaintiffs' calculation of any Rank Credit due to Sergeant Gartner and identify the exact amount of his claimed damages for Rank Credit, including any penalties and/or statutory interest, which Plaintiffs claim apply.

ANSWER: Plaintiffs have not yet calculated individual damages for Sgt. Gartner. When individual damages are calculated for Sgt. Gartner, they will be tendered to the City of Chicago.

7. Pursuant to Rule 26(a)(2), state the name, address and telephone number of any witness Plaintiffs will or may use at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For each such person identified, provide a written report prepared and signed by that person, which contains, states, or identifies:

- a. a complete statement of all opinions expressed and the basis and reasons therefore;
- b. the data or other information considered by the witness in forming the opinions;
- c. any exhibits to be used as a summary of or support for the opinions;
- d. the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years;
- e. the compensation to be paid for the study and the testimony; and,
- f. a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years, the type of claim involved, the name and location of the court where the suit was or is pending, the name and address of the party and attorney for whom the expert gave testimony, whether this party was a plaintiff or defendant, and the fee or hourly rate the expert was or is being paid.

ANSWER: Plaintiffs have secured the services of Murray Simpson of DCI Consulting Group, Inc. of Washington DC as their expert witness in this matter. However, while there has been much communication and exchange of data between plaintiffs' counsel and Mr. Simpson, the expert has not offered or expressed any opinions nor has he compiled any written report of an opinion held by him regarding the case, or exhibits regarding same. This answer will be supplemented with any forthcoming reports and opinions from Mr. Simpson and with any exhibits to be utilized.

For (d), please see the attached CV of Mr. Simpson. In answer to (e), please refer to the DCI rate sheet that was turned over to defendant's lead counsel on April 6, 2022, at 10:33 am. The rates contained therein remain in effect. In answer to (f), attached is a document completed by Mr. Simpson with the information regarding cases where testimony was given in the preceding four years.

8. Identify all documents that support, relate to or evince, in any manner, the responses to these Interrogatories.

ANSWER: See Plaintiffs' response to request to produce.

Date: December 2, 2022

s/Paul D. Geiger
PAUL D. GEIGER

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Curriculum Vitae

MURRAY S. SIMPSON, PH.D.

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(202) 487-6523 • msimpson@dciconsult.com

EDUCATION

- **Doctor of Philosophy in Economics**, University of Illinois, Urbana-Champaign, IL, 1994
FIELDS OF SPECIALIZATION: Development Economics, Microeconomic Theory, Labor Economics
- **Master of Science in Economics**, University of Illinois, Urbana-Champaign, IL, 1990
- **Bachelor of Arts with Honors in Economics**, Magna Cum Laude, Davidson College, Davidson, NC, 1985

ACADEMIC AWARDS AND HONORS

- McNatt Award (for distinguished research in labor economics), University of Illinois, 1991
- Valedictorian, Davidson College, 1985
- Phifer Award (for distinguished record in the study of economics), Davidson College, 1984
- Member of Phi Beta Kappa, Phi Kappa Phi, Omicron Delta Kappa, and Omicron Delta Epsilon

PROFESSIONAL EXPERIENCE

DCI CONSULTING GROUP INC., Employment and Litigation Support, Washington, DC

Principal Consultant (August 2017 to Present) / **Interim Director of HR & EEO Analytics** (October 2021 to December 2022)

- Serve as a testifying or consulting expert in employment discrimination and wage-and-hour lawsuits.
- Conduct pay equity studies to assess the fairness of an employer's compensation practices.
- Design statistical studies to investigate whether an employer's hiring, promotion, or termination decisions impact applicants or employees differently on the basis of gender, race or age.
- Estimate damages that may be owed to plaintiffs.
- As Interim Director, managed a team of consulting experts and data analysts who use statistical analyses to quantify differences in employment outcomes between demographic groups protected under anti-discrimination laws.

PEOPLEFLUENT, PeopleFluent Research Institute, Raleigh, NC

Manager of Consulting Services (March 2009 to August 2017) / **Principal Consultant** (March 2008 - March 2009) / **Senior Consultant** (December 1999 - March 2008)

- Managed a team of professional consultants and SAS programmers who evaluated allegations of discriminatory employment practices, assessed claims that wage-and-hour laws had been violated, and estimated damages for which a defendant may be held liable.
- Served as a testifying or consulting expert in employment discrimination lawsuits and wage-and-hour collective actions.
- Conducted privileged analyses for federal contractors in anticipation of government audits of their employment practices for discrimination.
- Assisted employers with self-audits of their employment practices to assess regulatory compliance and identify legal risks.

DAVIDSON COLLEGE, Department of Economics, Davidson, NC

Associate Professor (April 1999 - December 1999) / **Assistant Professor** (August 1992 - April 1999)

- Taught courses on the economies of Latin America, health economics, public sector economics, statistics, and introductory economics.
- Conducted research on Latin American economies, publishing articles in professional journals and co-editing a volume of papers presented at a professional conference.
- Presented economic research to professional audiences, including two international conferences.

WESTERN CAROLINA UNIVERSITY, Dept. of Economics, Finance, and International Business, Cullowhee, NC
Visiting Professor of Economics (May 1999 – July 1999)

- Taught statistics and introductory microeconomics during the first session of summer school.
- Initiated an experiential learning environment by developing a series of self-paced computer labs showing students how to conduct statistical analysis using Microsoft Excel.

SELF-EMPLOYED, Various Cities in NC

Computer Consultant (June 1985 – July 1987)

- Managed a computer consulting business, securing insurance agencies as clients.
- Supervised each client's transition to a computerized office environment.
- Established computerized accounting systems, organized the transfer of customer files to computers, and trained client staff in the use of software.

PUBLICATIONS

- Simpson, Murray S. (2015), "Challenging the Uniform Guidelines: A New Approach for Conducting Race-Based Adverse Impact Analyses," *EEO Insight*, 7 (2), 13-22.
- Harpe, Lisa and Murray Simpson (2015), "Video Recruiting: The Candid Camera of Compliance Risk," *Talent Acquisition Excellence Essentials*, June, 3 (6), 5-6.
- Simpson, Murray S. (2015), "Job Steering: Warning – Dangerous Intersection Ahead," *Talent Acquisition Excellence Essentials*, April, 3 (4), 5-6.
- Simpson, Murray S. (2015), "Starting Pay: The Often Overlooked Compliance Risk in Talent Acquisition," *Talent Acquisition Excellence Essentials*, March, 3 (3), 8.
- Simpson, Murray S. (2007), "Analyzing Pay Equity in an Uncertain Regulatory Environment," *Compensation & Benefits Review*, 39 (6), 29-39.
- Simpson, Murray S. (2006), "Using Forensic Decision Analysis to Investigate Claims of Pay Discrimination," *Journal of Forensic Economics*, 18 (1), 63-81.
- Simpson, Murray S. (2005), "Pay Discrimination: What, Exactly, is the Question?" in *Expert Evidence Report*, 5 (8), Washington, DC: The Bureau of National Affairs, 194-196.
- Simpson, Murray S. (2001), "Foreign Direct Investment in Central America: A Comparative History of Incentives, Local-Economy Linkages, and Payment Flows," Co-published simultaneously in *Latin American Business Review*, 2 (1/2), 161-197 and *Foreign Direct Investment in Latin America: Its Changing Nature at the Turn of the Century*, edited by Werner Baer and William R. Miles, Binghamton, NY: The Haworth International Business Press, 161-197.
- Simpson, Murray S. and S.E. Carroll (1999), "Assignments for a Writing-Intensive Economics Course," *The Journal of Economic Education*, 30 (4), 402-410.
- Simpson, Murray S. (1997), "Brazil", "Costa Rica", and "Jamaica," in *Economic Development: Theories, Evidence, and Policies* by Peter N. Hess and Clark G. Ross, Fort Worth, TX: The Dryden Press, 179-182, 349-352, and 383-386.
- Simpson, Murray S. (1996), "Distributive Effects of Stabilizing Inflation in a Brazilian Equilibrium Model," in *Modelling and Control of National and Regional Economies 1995*, Lj. Vlacic, T. Nguyen, and D. Cecez-Kecmanovic, editors, Oxford: Pergamon Press, 97-102.
- Baer, W., J. Petry, and Murray S. Simpson, editors (1991), *Latin America: The Crisis of the Eighties and the Opportunities of the Nineties*, Champaign, IL: Bureau of Economic and Business Research, University of Illinois at Urbana-Champaign.

- Baer, W., J. Petry, and Murray S. Simpson (1991), Introduction to "Latin America: The Crisis of the Eighties and the Opportunities of the Nineties", Special Issue, *The Quarterly Review of Economics and Business*, 31 (3), 1-12.

TRADE JOURNAL OR NEWSPAPER INTERVIEWS AND NEWSLETTERS

- Harpe, L., M. Aamodt and Murray S. Simpson (2017), "Salary Adjustments To Address Pay Inequity: A Primer," *Law360*, December 11, www.law360.com/employment/articles/989797/salary-adjustments-to-address-pay-inequity-a-primer.
- Weise, E. (Journalist) and Murray S. Simpson (2015), "Twitter's minority staff representation shrinks," *USA Today*, August 28, www.usatoday.com/story/tech/2015/08/28/twitter-diversity-minorities-silicon-valley-jessie-jackson-african-american-black-twitter/71310978/.
- Sixel, L.M. (Journalist) and Murray S. Simpson (2010), "Working: Equal Pay in the Forefront as Workplace Issue," *Houston Chronicle*, March 17, www.chron.com/dispatch/story.mpl/business/6918228.html.
- Ecker, K. (Journalist) and Murray S. Simpson (2006), "Contractor Compliance: Software Vendors Introduce Solutions for Compliance with New OFCCP Guidelines," *Inside Counsel*, May, 40-44.
- Carroll, K. (Journalist) and Murray S. Simpson (2005), "Consultant Warns of Possible Problems For Contractors Using Regression Analysis," *Affirmative Action Compliance Manual*, Washington, DC: The Bureau of National Affairs, 314 (April 29), 15-16.
- Claybrooke-Friend, T. (Journalist) and Murray S. Simpson (2001), "Ask the Expert: How Will the Sluggish Economy Affect the Workplace?" *Employment Management Today*, Fall, 42-44.
- Simpson, Murray S. and D.W. Peterson (2001), "Compensation Analysis: Accounting for Employer Latitude in Setting Pay," *The Report*, 1 (1), 1-5.

PROFESSIONAL PRESENTATIONS

Employment Discrimination and Litigation Support

- Simpson, Murray S. and E. Tison (2020), "Hey, Labor Economist – Anything You Can Do I-O Can Do Better," 2020 Virtual Conference of the Society for Industrial and Organizational Psychology, June.
- Simpson, Murray S. and J. Henderson (2019), "You Say Pay Gap, I Say Wage Gap, You Say Who Cares, I Say Beware," 2019 Conference of the International Personnel Assessment Council, Minneapolis, MN, July.
- Simpson, Murray S. (2019), Panelist, "Contemporary Issues in Pay Equity Analysis: A Cross-Disciplinary Discussion," 34th Annual Conference of the Society for Industrial and Organizational Psychology, Washington, DC/National Harbor, April.
- Simpson, Murray S. (2017), "Colleges and Universities: Undertaking a Best-Practice Study of Pay Equity," 35th Annual National Industry Liaison Group Conference, San Antonio, TX, August.
- Simpson, Murray S. (2017), "The Revised EEO-1 Report: Seeing the Trees and the Forest," 35th Annual National Industry Liaison Group Conference, San Antonio, TX, August.
- Simpson, Murray S. (2017), "Assessing Claims of Employment Discrimination: The Passionate Vocation of a Davidson Economics Major," Guest Lecturer in the Economics Senior Session Course, Davidson College, Davidson, NC, April.
- Simpson, Murray S. (2014), "Compensation Analysis: 5K or Marathon?" North Texas Industry Liaison Group, Arlington, TX, September.
- Simpson, Murray S. (2014), "Forging a Shield Against Pay Discrimination Claims," EEO Compliance in North Carolina Seminar, Raleigh, NC, May.

- Simpson, Murray S. (2014), "Underutilization: Why So Many Tests," 2014 Annual Conference, Southwest and Rocky Mountain Regional Industry Liaison Group, Denver, CO, April.
- Simpson, Murray S. (2014), "Jeopardy: A Game-Style Approach to Learning Fundamental Principles of Adverse Impact Analysis," 2014 Annual Conference, Southwest and Rocky Mountain Regional Industry Liaison Group, Denver, CO, April.
- Simpson, Murray S. (2013), "Forging a Shield Against Pay Discrimination Claims," HR Indiana Annual Conference, Indianapolis, IN, August.
- Simpson, Murray S. (2013), "Challenging the Uniform Guidelines: A New Approach for Conducting Adverse Impact Analyses of Racial Subgroups," 31st Annual National Industry Liaison Group Conference, Indianapolis, IN, July.
- Simpson, Murray S. (2012), "Evaluating Your Recruiting Process: Good Faith Efforts and Adverse Impact," North Texas Industry Liaison Group, Dallas, TX, November.
- Simpson, Murray S. (2012), "Uncovering Employment Discrimination: Legal and Statistical Foundations," Guest Lecturer in the Economics Senior Session Course, Davidson College, Davidson, NC, March.
- Simpson, Murray S. (2011), "Federal Contractor Compliance: What You Need to Know," 10th Annual Compliance and Ethics Institute, Society of Corporate Compliance and Ethics, Las Vegas, NV, September.
- Simpson, Murray S. (2011), "Adverse Impact Analysis: Basic Principles and Advanced Topics," Ohio Industry Liaison Group, Cincinnati, OH, March.
- Simpson, Murray S. (2010), "Talent Acquisition: Achieving Compliance Through Best Practices," Health Industry User Group Conference, Orlando, FL, June.
- Simpson, Murray S. (2010), "Getting the Most Out of Your Compensation Self-Evaluation," North Texas Industry Liaison Group, Arlington, TX, May.
- Simpson, Murray S. (2010), "Getting the Most Out of Your Compensation Self-Evaluation," Jacksonville Industry Liaison Group, Jacksonville, FL, March.
- Simpson, Murray S. (2009), "Compensation Analysis: Sticking to the Fundamentals in Times of Regulatory Uncertainty," Louisiana Liaison Group, Metairie, LA, April.
- Simpson, Murray S. (2008), "On RIFs, Weight-Loss Plans and Statistics: How Does Shedding Employees Compare to Shedding Weight?" Breakfast Seminar on Employment Law Issues in Times of Economic Uncertainty, Sponsored by Gardere, Wynne & Sewell, July (Dallas, TX) and August (Houston, TX).
- Simpson, Murray S. (2008), "Taking Affirmative Action Planning to the Next Level: The Seven Habits of Highly Effective Organizations," 34th Annual National Conference, American Association for Affirmative Action, Falls Church, VA, April.
- Simpson, Murray S. (2008), "HR Compliance in Technology," Panel Discussion, 3rd Annual Mini-Conference, Carolinas Chapter of the International Association of Human Resource Information Management, Greer, SC, March.
- Simpson, Murray S. (2008), "Taking Affirmative Action Planning to the Next Level: The Seven Habits of Highly Effective Organizations," 2008 Symposium on Higher Education, Dallas, TX, March.
- Simpson, Murray S. (2007), "Compensation: What You Need To Know and What You Need To Do," Annual Conference, Greater Los Angeles Industry Liaison Group, Los Angeles, CA, December.
- Simpson, Murray S. (2007), "Compensation: What You Need To Know and What You Need To Do," Meeting of the Triangle Industry Liaison Group, Raleigh, NC, September.
- Simpson, Murray S. (2007), "Potholes on the Road to Internet Applicant Compliance," 33rd Annual National Conference, American Association for Affirmative Action, Austin, TX, April.

- Simpson, Murray S. (2007), "The Pieces of the Compensation Puzzle: How Well Do the Regulatory and Statistical Frameworks Fit?" Meeting of the North Texas Industry Liaison Group, Irving, TX, March.
- Simpson, Murray S. (2007), "Investigating Claims of Pay Discrimination: The Debate Over Current Pay Rates v. Past Pay Decisions," Guest Lecturer in the Economics Senior Session Course, Davidson College, Davidson, NC, March.
- Simpson, Murray S. (2006), "Potholes on the Road to Internet Applicant Compliance" 4th Annual Conference, Southwest and Rocky Mountain Regional Industry Liaison Group, Little Rock, AR, October.
- Simpson, Murray S. (2006), "When Does Affirmative Action Become Reverse Discrimination?" 49th Annual Conference, Professionals in Human Resources Association, Long Beach, CA, September.
- Simpson, Murray S. (2006), "The Pieces of the Compensation Puzzle: How Well Do the Regulatory and Statistical Frameworks Fit?" Meeting of the Columbus-Dayton-Cincinnati Industry Liaison Group, Columbus, OH, September.
- Simpson, Murray S. (2006), "Are the New Compensation Guidelines Significant at the 0.05 Level?" Panel Discussion, 24th Annual National Industry Liaison Group Conference, Phoenix, AZ, August.
- Simpson, Murray S. (2006), "Regulatory Update: Deciphering the OFCCP's Recently Published Guidelines and Standards for Compensation Analysis," HR Executive Forum, HR Management Association, Greensboro, NC, July.
- Simpson, Murray S. (2006), "Using Forensic Decision Analysis to Investigate Claims of Pay Discrimination," Guest Lecturer in the Economics Senior Session Course, Davidson College, Davidson, NC, March.
- Simpson, Murray S. (2006), "The New Definition of an Internet Applicant," Changing World, Changing Technology Conference, Carolinas Chapter of the International Association of Human Resource Information Management, Charlotte, NC, March.
- Simpson, Murray S. (2005), "Compensation Analysis: What is the Question and Does Regression Address It?" 23rd Annual National Industry Liaison Group Conference, Grapevine, TX, August.
- Simpson, Murray S. (2005), "The Changing Statistical Paradigm of the OFCCP: Employee Selection Analysis," 31st Annual National Conference, American Association for Affirmative Action, St. Louis, MO, April.
- Simpson, Murray S. (2005), "The Changing Statistical Paradigm of the OFCCP: Compensation Analysis," 31st Annual National Conference, American Association for Affirmative Action, St. Louis, MO, April.
- Simpson, Murray S. (2005), "The Economist as Crime Scene Investigator," Guest Lecturer in the Economics Senior Session Course, Davidson College, Davidson, NC, March.
- Simpson, Murray S. (2004), "The Changing Statistical Paradigm of the OFCCP," Meeting of the Dallas-Fort Worth Industry Liaison Group, Placeware Presentation, December.
- Simpson, Murray S. (2004), "Comparing Similarly Situated Employees: Are We There Yet?" Luncheon Seminar, Labor and Employment Law Group of Gardere, Wynne & Sewell, Dallas, TX, September.
- Simpson, Murray S. (2004), "The Statistics of Affirmative Action: A Tale of Two Paradigms," Meeting of the Columbus-Dayton-Cincinnati Industry Liaison Group, Dayton, OH, July.
- Simpson, Murray S. (2004), "Impact Analysis: Unearthing Hidden Exposures Before Your Opponents Do," Breakfast Seminar on Managing Employment Risks in an Emerging Economy, Sponsored by Gardere, Wynne & Sewell, Dallas, TX, April.
- Simpson, Murray S. (2004), "Compensation Analysis: Investigating Gender and Race Patterns in Employee Pay," Meeting of the Louisiana Industry Liaison Group, New Orleans, LA, April.
- Simpson, Murray S. (2003), "The Art and Practice of Compensation Analysis," Meeting of the Jacksonville Industry Liaison Group, Jacksonville, FL, July.

- Simpson, Murray S. (2003), “Compensation Analysis: Investigating Gender and Race Patterns in Employee Pay,” 29th Annual National Conference, American Association for Affirmative Action, Atlanta, GA, April.
- Simpson, Murray S. (2003), “How to Conduct Effective Compensation Studies,” Meeting of the Dallas-Fort Worth Chapter of the International Association of Human Resource Information Management, Dallas, TX, February.
- Simpson, Murray S. (2002), “Compensation Analysis: Investigating Gender and Race Patterns in Employee Pay,” Meeting of the Southwestern and Rocky Mountain Regional Industry Liaison Group, Grapevine, TX, October.
- Simpson, Murray S. (2002), “Ap' plicant n. Now What?” Meeting of the Greater Houston Industry Liaison Group, Houston, TX, October.
- Simpson, Murray S. (2002), “How to Conduct Effective Compensation Studies,” Meeting of the Greater Houston Industry Liaison Group, Houston, TX, October.
- Simpson, Murray S. (2002), “How to Conduct Effective Compensation Audits,” Meeting of the Jacksonville Industry Liaison Group, Jacksonville, FL, July.
- Simpson, Murray S. (2002), “Using Technology to Implement Affirmative Action,” 26th Annual Training Conference, California Association of Equal Rights Professionals, San Diego, CA, May.
- Simpson, Murray S. (2002), “Conducting Effective Internal EEO Audits,” 26th Annual Training Conference, California Association of Equal Rights Professionals, San Diego, CA, May.
- Simpson, Murray S. (2002), “Statistical Evidence: Separating the Wheat from the Chaff,” Braxton Craven Inn of Court, Duke University, School of Law, Durham, NC, April.
- Simpson, Murray S. (2002), “Employment Discrimination: The Role of a Forensic Economist,” Guest Lecturer in the Economics Senior Session Course, Davidson College, Davidson, NC, March.
- Simpson, Murray S. (2002), “Comparing Pay, Identifying Applicants, Defining Race: A Search for Answers...,” Meeting of the Idaho Industry Liaison Group, Boise, ID, February.
- Simpson, Murray S. (2001), “What is a Pay Study? Who is an Applicant? A Search for Answers...,” Meeting of the Northwest Industry Liaison Group, Seattle, WA, October.
- Simpson, Murray S. (2001), “Compensation Analysis: Which Study Should You Use,” National Conference of the College and University Professional Association for Human Resources, Dallas, TX, October.
- Simpson, Murray S. (2001), “Employment Discrimination: The Role of an Economist as a Testifying Expert,” Guest Lecturer in the Economics Senior Session Course, Davidson College, Davidson, NC, March.
- Simpson, Murray S. (2001), “Inferring Intent: A North Carolina Redistricting Case,” Guest Lecturer in Course on Scientific Evidence, University of North Carolina, School of Law, Chapel Hill, NC, January.
- Simpson, Murray S. (2000), “Compensation Analysis: Don't Get Besieged by Statistics,” National Conference of the College and University Professional Association for Human Resources, Nashville, TN, October.

Economics

- Simpson, Murray S. (1998), “Applications from Health Economics for an Introductory Economics Course,” Annual Meeting of the Southern Economic Association, Baltimore, MD, November.
- Simpson, Murray S. (1998), “The Types of Writing Assigned in a Writing-Intensive Economics Course: Some Lessons from Davidson College,” Annual Meeting of the Western Economic Association, Lake Tahoe, NV, July.
- Simpson, Murray S. (1998), “Health Economics: Examples for an Introductory Economics Course,” Annual Meeting of the Southeastern Economic Association, Hickory, NC, March.

- Simpson, Murray S. (1995), “The Distributive Effects of Inflation Stabilization Policies in Brazil: A Computable General Equilibrium Modeling Approach,” XIX International Congress of the Latin American Studies Association, Washington, DC, September.
- Simpson, Murray S. (1995), “Distributive Effects of Stabilizing Inflation in a Brazilian Equilibrium Model,” Symposium on Modeling and Control of National and Regional Economies, International Federation of Automatic Control, Gold Coast, Australia, July.
- Simpson, Murray S. (1992), “Evaluating Inflation Stabilization Policies in Brazil: Applications of a CGE Model,” Latin American Economics Workshop, University of Texas at Austin, February.
- Simpson, Murray S. (1992), “‘Collorizing’ the Brazilian Economy: Is It Better Than Black and White?” Institute of Latin American Studies, Brazilian Studies Group, University of Texas at Austin, February.
- Simpson, Murray S. (1991), “Evaluating Inflation Stabilization Policies in Brazil: Applications of a CGE Model,” International Workshop, University of North Carolina at Chapel Hill, December.
- Simpson, Murray S. (1990), “Evaluating Brazilian Stabilization Policies,” Illinois Conference of Latin Americanists, University of Illinois at Urbana-Champaign, November.
- Simpson, Murray S. (1990), “Bargaining Between a Firm and a Worker: Complete Information, Incomplete Information, and Switching,” Labor Workshop, University of Illinois at Urbana-Champaign, October.

EXPERT TESTIMONY

- *Cheryl B. Placek v. Honeywell International, Inc.*, Civil Action No. 4:06-CV-150-F(3), United States District Court, Eastern District of North Carolina (for plaintiff; deposition testimony on May 1, 2007)
 - Plaintiff claimed defendant used age as a factor in deciding whom to dismiss as part of a reduction-in-force
- *Paulette L. Taylor, Debra L. Harley, et al. v. Michael Astrue, Commissioner of Social Security*, Equal Employment Opportunity Commission, EEOC Case Nos. 120-2003-0304x, 120-2003-0305x, Agency Case Nos. SSA-03-0224, SSA-03-0208 (for defendant; deposition testimony on January 29, 2008; testimony at EEOC hearing on February 27, 2009)
 - Class agents, who are African American females, claimed defendant used race and gender as a basis for deciding whom to promote
- *Keenan M. Scott, et al. v. City of New York and the New York City Police Department*, Civil Action No. 02-CV-9530 (SAS), United States District Court, Southern District of New York (for plaintiff; deposition testimony on October 2, 2008 and November 16, 2008; trial testimony on November 17-18, 2008)
 - Plaintiffs, who are law enforcement employees, claimed defendants violated the Fair Labor Standards Act by improperly calculating the hourly rates at which their overtime should be paid, failing to compensate them for certain overtime hours that they work, improperly denying them compensatory time off, and improperly forcing them to accrue compensatory time
- *Robert Valladon, et al. v. City of Oakland*, Civil Action No. C06-7478 SI, United States District Court, Northern District of California (for plaintiff; deposition testimony on April 9, 2009)
 - Plaintiffs, who are law enforcement employees, claimed defendant violated the Fair Labor Standards Act by underpaying them for overtime work and unused compensatory time, improperly denying them compensatory time off, and failing to compensate them for certain types of work
- *Yechiel Zagelbaum v. UnitedHealthcare of New York, Inc.*, Case No. 01-20-0005-2150, American Arbitration Association (for respondent; testimony at AAA hearing on April 16, 2021)
 - Claimant, a pediatrician who participated in respondent’s provider network, claimed respondent

discriminated based on religion when deciding to reduce claimant's reimbursement rates and to terminate its contract with the claimant

RETAINED AS AN EXPERT BUT NOT REQUESTED TO TESTIFY

- *Newsome, et al. v. Up-To-Date Laundry, Inc.*, Civil Action No. S01-2257, United States District Court, Southern Maryland (for defendant)
 - Plaintiffs claimed defendant's decisions regarding job assignments, pay, and opportunities to work overtime were based on race
- *Dennis W. Combs and Joseph E. Outlaw v. Akzo Nobel Coatings, Inc.*, No. 1:02CV00838, United States District Court, Middle District of North Carolina (for defendant)
 - Plaintiffs claimed defendant used age as a factor in deciding whom to layoff
- *Stanley Kua, et al. v. County of Kaua'i*, Civil Action No. 02-00286, United States District Court, District of Hawaii (for defendant)
 - Plaintiffs claimed defendant violated the Fair Labor Standards Act by underpaying them for overtime work, improperly denying them compensatory time off, and failing to compensate them for certain types of work
- *Emory Springer, et al. v. County of Hawai'i*, Civil Action No. 02-00289, United States District Court, District of Hawaii (for defendant)
 - Plaintiffs claimed defendant violated the Fair Labor Standards Act by underpaying them for overtime work, improperly denying them compensatory time off, and failing to compensate them for certain types of work
- *Brenda JoAnn Kasczak v. Waukesha Electric Systems, Inc. and SPX Corporation*, Civil Action No. 5:04-CV-43-FL(2), United States District Court, Eastern North Carolina, Raleigh Division (for plaintiff)
 - Plaintiff claimed defendants used age as a factor in deciding whom to dismiss from among salaried, non-exempt employees
- *Francis H. Clayton v. Collins & Aikman Products Company and Collins & Aikman Corporation*, Civil Action No. 1:04CV00754, United States District Court, Middle District of North Carolina (for plaintiff)
 - Plaintiff claimed defendants used age as a factor in deciding to dismiss her from employment
- *Jeffery C. Collier v. Harris Tarkett, Inc.*, Civil Action No. 6:04-CV00052, United States District Court, Western District of Virginia, Lynchburg Division (for plaintiff)
 - Plaintiff claimed defendant wrongfully dismissed him from his position as plant manager because he was unwilling to discriminate against African American employees when making hiring and dismissal decisions
- *Henry A. Barriga, et al. v. County of Kaua'i*, Civil Action No. 05-00327, United States District Court, District of Hawaii (for defendant)
 - Plaintiffs, who are law enforcement employees, claimed defendant violated the Fair Labor Standards Act by underpaying them for overtime work, improperly denying them compensatory time off, and failing to compensate them for certain types of work

- *John K. Aana, et al. v. County of Kaua'i*, Civil Action No. 05-00328, United States District Court, District of Hawaii (for defendant)
 - Plaintiffs, who are fire protection employees, claimed defendant violated the Fair Labor Standards Act by underpaying them for overtime work, improperly denying them compensatory time off, and failing to compensate them for certain types of work
- *Yvonne Lewis Holley v. North Carolina Department of Administration, State of North Carolina*, Civil Action No. 5:09-CV-345-D, United States District Court, Eastern District of North Carolina (for defendant)
 - Plaintiff claimed defendant used race and gender as factors in deciding whom to promote
- *David Meinhardt, et al. v. City of Sunnyvale*, Case No. 5:16-CV-05501 HRL, United States District Court, Northern District of California (for plaintiff)
 - Plaintiffs claimed defendant violated the Fair Labor Standards Act by underpaying them for overtime work
- *Ross Anderson, et al. v. Marinwood Community Services District*, Case No. 3:16-CV-07381-LB, United States District Court, Northern District of California (for plaintiff)
 - Plaintiffs claimed defendant violated the Fair Labor Standards Act by underpaying them for overtime work
- *Miles Lewis and Cheri Erdelt v. County of Colusa*, Case No. 2:16-cv-01745-VC, United States District Court, Eastern District of California (for plaintiff)
 - Plaintiffs claimed defendant violated the Fair Labor Standards Act by underpaying them for overtime work
- *Mark Kerzich and Timothy Wertz v. County of Tuolumne*, Case No. 16-CV-01116-DAD-SAB, United States District Court, Eastern District of California (for plaintiff)
 - Plaintiffs claimed defendant violated the Fair Labor Standards Act by underpaying them for overtime work
- *Thomas Ferguson v. County of Los Angeles*, Case No. 2:18-cv-06861, United States District Court, Central District of California (for plaintiff)
 - Plaintiffs claimed defendant violated the Fair Labor Standards Act by failing to include cash payments made in lieu of health benefits when computing the plaintiffs' overtime pay
- *Eric Kelley, Patrick Hesters, and Eric Dunnick v. City of San Diego*, Case No. 3:19-cv-00622-AJB-MDD, United States District Court, Southern District of California (for plaintiff)
 - Plaintiffs claimed defendant violated the Fair Labor Standards Act by failing to include cash payments made in lieu of health benefits when computing the plaintiffs' overtime pay

Murray S. Simpson, Ph.D.

**Listing of Cases in Which Trial, Deposition, or Arbitration Testimony
Was Provided Within the Preceding Four Years**

As of December 2, 2022

Yechiel Zagelbaum v. UnitedHealthcare of New York, Inc.

- American Arbitration Association, Case No. 01-20-0005-2150
- Gave testimony on behalf of respondent UnitedHealthcare of New York, Inc. at an American Arbitration Association hearing on April 16, 2021
- Address of principal office of respondent at the time claimant filed Statement of Claim:
UnitedHealthcare of New York, Inc.
77 Water Street, 14th/15th Floor
New York, NY 10005
- Name and address of attorneys representing respondent:
Brian D. Boone
Alston & Bird LLP
Bank of America Plaza, Suite 4000
101 S. Tryon St.
Charlotte, NC 28280

William H. Jordan

Lee A. Deneen

Anderson S. B. Kemp

Alston & Bird LLP

1201 W. Peachtree St., Suite 4900

Atlanta, GA 30309

- Type of claim: Claimant Yechiel Zagelbaum, a pediatrician who participated in respondent's provider network, claimed respondent discriminated based on religion when deciding to reduce claimant's reimbursement rates and to terminate its contract with the claimant
- Hourly rate: \$600 per hour for arbitration hearing testimony and \$475 per hour for all other expert assistance, including review of data and documents, discussions with counsel, and preparation of reports